

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRACY WHITE,

Plaintiff,

-v-

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

23-CV-11253 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

The Clerk of the Court shall notify the U.S. Attorney's Office of the Southern District of New York of the filing of this *pro se* case, brought pursuant to 42 U.S.C § 405(g), for which the filing fee has been waived. In accordance with this District's Standing Order governing challenges to denials of social security benefits (*see In re: Mots. J. Pleadings Social Sec. Cases, 16-mc-171*), the following briefing schedule applies:

- **Within 90 days of service**, the Commissioner must serve and file the Electronic Certified Administrative Record (e-CAR), which constitutes the Commissioner's answer, or otherwise move against the complaint.
- If Plaintiff wishes to file a motion for judgment on the pleadings, Plaintiff must do so **within 60 days** of the date on which the e-CAR was filed. The motion must contain a full recitation of the relevant facts and a full description of the underlying administrative proceeding.
- The Commissioner must file an answer brief **within 60 days** of the filing of Plaintiff's motion.
- Plaintiff may file a reply **within 21 days** thereafter.

Additionally, to conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties must discuss whether they are willing to consent, under 28 U.S.C § 636(c), to conducting all further proceedings before the Magistrate Judge.

If both parties consent to proceed before the Magistrate Judge, counsel for the defendant must, within two weeks of the date on which Defendant enters an appearance, email to Oetken_NYSDChambers@nysd.uscourts.gov a fully executed Notice, Consent, and Reference of a Civil Action of a Civil Action to a Magistrate Judge form, available at <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf>. If the court approves that form, all further proceedings will then be conducted before the Magistrate Judge rather than before me.

If either party does not consent to conducting all further proceedings before the Magistrate Judge, the parties must file a joint letter, within two weeks on which Defendant enters an appearance, advising the Court that the parties do not consent, but without disclosing the identity of the party or parties who do not consent. If you do not consent to having a Magistrate Judge decide your case, there will be no adverse consequences.

The Clerk of the Court is directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: January 3, 2024
New York, New York



J. PAUL OETKEN
United States District Judge